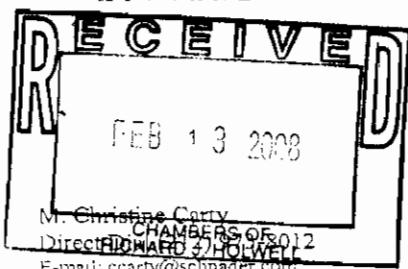


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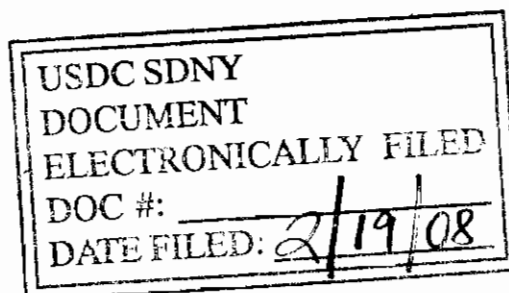
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February 12, 2008

VIA FACSIMILE

Honorable Richard J. Holwell
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007



**RE: John O. Myers v. HSBC Investments (USA) Inc., et al.
07 Civ. 4078 (RJH)**

Dear Judge Holwell:

We represent the Defendants in the above-captioned matter. We write to provide an update to the Court with respect to discovery in this case subsequent to the Order dated February 5th and received Thursday evening of February 7th ("Order"). We also are responding to the letter of February 12, 2008 from Plaintiff's counsel to the Court.

After receipt of the Court's Order on Thursday evening, February 7, 2008, we have diligently worked to prepare document responses and interrogatory answers by Friday, February 15th, and to schedule 17 depositions between February 19th and 29th as instructed by the Court. We are pleased to report that Defendants will be able to serve the document responses and answers to interrogatories on Friday and that 15 depositions have been scheduled. Two have not. Plaintiff's complains that Defendants are refusing to comply with the Order. This is incorrect.

1. Steve Baker. Unfortunately, Steve Baker, will be out of town during that entire two week period from February 18-29. At a meeting today, I so advised counsel for the Plaintiff and offered a date certain of March 6, 2008 for Mr. Baker's deposition. Defendants request that the Court permit Mr. Baker's deposition to be taken on March 6th, even though it is outside of the discovery period set forth in the Order received from the Court. Counsel for Plaintiff has not raised any objections to the date other than that it would occur after the end of February.

2. Richard Palmer. It is absolutely incorrect for Plaintiff's counsel to represent to the Court that Defendants are refusing to produce Richard Palmer for deposition. Mr. Palmer is associate general counsel of HSBC Securities (USA), Inc. Plaintiff has noticed Mr. Palmer's deposition, presumably to testify about conversations alleged in the complaint that

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Mr. Palmer had with Plaintiff's counsel, Blair Fensterstock, after Mr. Fensterstock wrote to HSBC that Plaintiff believed that he had been discriminated against due to his age. (Defendants contend that all such conversations were confidential settlement discussions. Counsel for the parties have previously corresponded on this point.) I informed Mr. Fensterstock today that I had not yet scheduled Mr. Palmer's deposition for two reasons: (1) he has been out of town for the last several days since the Court issued its Order and I have not been able to speak with him; and (2) Defendants may make a motion for protective order to prevent Mr. Palmer's deposition from going forward. Until I am able to speak with Mr. Palmer upon his return, tomorrow, no decision has been made as to whether to schedule the deposition or to move for protective order.

3. Adam Israel. Mr. Israel has been in Hong Kong on business. We expect to be able to schedule his deposition during February.

We respectfully request that the Court defer ruling with respect to Mr. Palmer's deposition until I am able to consult with him. We respectfully request that the Court permit the deposition of Steve Baker to take place on March 6th. **SO ORDERED**

Thank you for your consideration of this request.

Respectfully yours,

M. Christine Carty

M. Christine Carty

For SCHNADER HARRISON SEGAL & LEWIS LLP

cc: Blair C. Fensterstock, Esq.
Attorneys for Plaintiff